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WILLIAM S FROMMER  
FROMMER LAWRENCE & HAUG  
745 FIFTH AVENUE  
NEW YORK, NY 10151

EXAMINER

ELALLAM, AHMED

ART UNIT PAPER NUMBER

2662

DATE MAILED: 01/05/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/242,814

Applicant(s)

ENARI ET AL.

Examiner

AHMED ELALLAM

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on election filed on September 22, 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) 28-34 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This is responsive to the election without traverse of group I, claims 1-27.

Applicant is reminded to cancel non-elected claims in the next response to this office action.

#### ***Claim Objections***

1. Claims 4-6, 10-12, 14, 21 and 27 are objected to because of the following informalities:

In claim 4, the phrase "the service management information" lacks antecedent basis.

In claim 5, the phrase "the system configuration" lacks antecedent basis.

In claim 6, the phrase "the file name" lacks antecedent basis.

In claim 10, the phrases "the time information" and "the service management information", lack antecedent basis.

In claims 11, 12 and 27, the phrase "the transmission path" lacks antecedent basis.

In claim 14, the phrase "the level of each material" lacks antecedent basis.

In claims 21 and 27, the phrase "the data to be sent out" lacks antecedent basis.

In claim 12, the phrase "a sending out step " should be "sending out means" to be in conformance of the recited "said sending-out means".

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, it is not clear what is meant by the followings:

“management means for supervising the information of an information source; programming means for supervising the information of the material being sent”. More specifically, it is not clear if the information from the information source is the same as the “material” or not.

“programming means for supervising the information of the material being sent and programming the progress of data to be sent out”. More specifically, it is not clear if the “programming of the progress of data to be sent out” is meant to schedule programs to be sent out or having a software program applied to the data to be sent.

“registering means for registering the information of the materials to be sent out” and “holding means for holding a plurality of said materials”. It is not clear what is meant by registering means for registering the information to be sent out, and “the plurality of said materials”. More specifically, the specification involves several steps in conjunction with several entities that provide different stages of “registration”, and that taking the limitation as a whole cast a doubt to what exactly meant by the registering

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means for registering the information to be sent out. The meaning is vague. Similarly the meaning of "the plurality of materials" is vague.

"holding means for holding a plurality of said materials" is confusing, because the limitation is repeated twice, it is not clear if the holding means refers to the previously recited "holdings means" or else?.

"connection means for interconnecting said management means, programming means, registering means, holding means and the sending-out means to permit each of these means to access an other of said means" is confusing. The meaning of accessing of means of another means is indefinite. For example, does the holding means access each one of recited means?.

Regarding claims 2-27, claims 2-27 suffers from similar drawbacks to those indicated above with reference to claim 1. Applicants are required to amend claims 1-27 to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 9 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Alwadish, US 5,214,792).

Regarding claim 9, as best understood, with reference to figure 5, Alwadish discloses an apparatus/method for sending out data comprising:

Tape, CDs (Compact Disks) and DAT (Digital Audio Tapes), (reads on holding means/step for holding a plurality of material to be sent out);

Analogue Source Selector 104 and Digital Source Selector 106, (reads on reproducing means/step for reading out and reproducing the materials held by said holding means);

Data encode circuit 122, and Fm Stereo encoder 134, (reads on encoding means/step for real-time encoding the materials reproduced by said reproducing means);

DAC (Digital –to-Analogue) converter 110; (reads on conversion means/step for converting the format of said plural materials held by said holding means or the plural materials encoded in real-time by said encoding means into a format for transmission);

Broadcast transmitter 136 (reads on sending-out means/step for sending out the materials converted by said conversion means);

Alwadish shows that all the above elements are interconnected with each other, (reads on connection means/step for interconnecting said holding means, reproducing means; encoding means, conversion means and sending-out means to permit each of these means to access an other of said means).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 12 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alwadish.

Regarding claims 12 and 20, as best understood, with reference to figure 5, Alwadish discloses an apparatus for sending out data comprising:

Tape, CDs (Compact Disks) and DAT (Digital Audio Tapes), (reads on holding means/step for holding a plurality of material to be sent out);

DAC (Digital –to-Analogue) converter 110; (reads on conversion means/step for converting the format of said plural materials held by said holding means or the plural materials encoded in real-time by said encoding means into a format for transmission);

Broadcast transmitter 136 (reads on sending-out means/step for sending out the materials converted by said conversion means);

Alwadish further discloses a studio control and processing unit 102 for providing operation of various component of the broadcast station 100, the control and processing unit 102 includes one or more central processing units (CPUs), program and working memories and input/output devices, see column 6, lines 5-56. (Reads on supplying the materials read out from said holding means, materials converted by said conversion means or materials sent out by said sending-out means).

Alwadish does not explicitly disclose monitoring means/step for monitoring the material.

However, Examiner takes official notice that monitoring data is well known in the art. Since official notice is taken, it would have been obvious to an ordinary person of skill in the art, at the time the invention was made to have the data of Alwadish monitored at every stage of processing so that care can be taken in case of error detection.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Sato et al, US (5,589,947); Diehl et al, US (5,659,653); Nagata et al, US (5,646,603); Kamiya, US (5,899,699); Kahn et al, US (5,777,997); Sitnik, US (6,300,880); Kleiman, US (5,959,945); Kurihara, US (6,249,771), Mince et al, US (5,815,471); Fidelibus et al, US (5,931,906) and Jenkin et al, US (6,088,351)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AHMED ELALLAM whose telephone number is (703) 308-6069. The examiner can normally be reached on 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kizou Hassan can be reached on (703) 305-4744. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.



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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

AHMED ELALLAM  
Examiner  
Art Unit 2662  
December 24, 2003



HASSAN KIZOU  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600